

strong feelings about this particular issue as everyone in this particular body does, but I would hope that we would not overreact, that we would through the criminal code that was just adopted, attempt to handle this particular crime through that means. Thank you.

SPEAKER LUEDTKE: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President, and members of the Legislature, I rise in support of the motion to bring the bill to the floor of the Legislature. I do recognize some of the concerns that have been expressed here by some of the other members, but I believe the bill can be brought to the floor and that it can be amended to make a workable piece of legislation. I think that the present law that we have on sexual assault are not clear enough. I think Senator Chambers expressed it very clearly, however, when he pointed out that many times a law is not going to be enforced by the judiciary based upon their own interpretations what is right. I'd like to point out some of the things that have happened in the instance of child support laws which I passed in this body. The judiciary has used its own discretion in enforcing those laws much to my dismay, but I do believe that the Legislature can go on record in requiring or requesting a more definite concern for penalties in the area of sexual assault. I would hope that we would bring the bill to the floor. I understand Senator Duis has some amendments for the bill. I think Senator Duis has worked on this bill for a long long time and certainly there are some improvements can be made in the present statutes. Senator Barnett has and Senator Chambers has pointed out some of the very obvious problems with the bill as it presently stands, but I believe the problem is serious enough that we should deal with it and that we should deal with it on the floor and I know there will be some very good contribution from both the proponents and the opponents of the bill and I think the result will be better legislation than we have today.

SPEAKER LUEDTKE: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, and members of the Legislature, there are some people in here who have read history. We have a lawyer here. One of the most serious discussions which occurred when the U.S. Constitution was being adopted was the provision relating to crimes and punishments, cruel and unusual punishments. Now because of the fact that Legislatures at the state level are often carried away by the whims of the people and the emotion of the moment, there was an insistence that written into the U.S. Constitution should be a provision against cruel and unusual punishments. One of the most serious actions that a Legislature undertakes is to make certain conduct illegal, then to provide a punishment for it. One of the first crimes in this country on which the federal government placed the death penalty was forgery. Forgery. So there is no point in saying that people who impose penalties are going to be rational and just and fit the punishment to the crime. I've often given you examples of what has happened in England when they had extremely harsh punishments for every kind of crime and offense imagineable and the jury simply would not convict the people for the crime charged. They had the power in some instances to call the act by a different name and acquit the person, not because they felt the person had not committed the act involved, but because the punishment was so harsh and inhumane. Many Englishmen have stated that